

145  
MAR 29 1989

31  
Mr. Nicholas A. Di Pasquale  
Director, Waste Management Program  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, Missouri 65102

Dear Mr. Di Pasquale:

The following determination is provided in response to your March 16, 1989 request for assistance concerning the Resource Conservation and Recovery Act (RCRA) regulatory requirements for waste jet fuel from McDonnell Douglas Aircraft Company in St. Louis, Missouri (MDAC).

As described by Mr. Haakes's January 12, 1989 letter (copy attached), waste jet fuel generated during fueling and defueling operations at MDAC would not be subject to the requirements of RCRA when recycled. Spent materials no longer fit for use, which are recycled by being used as an ingredient or raw material, are not solid wastes as defined at 40 C.F.R. 261.2 and are therefore exempt from regulation as hazardous wastes under Subtitle C of RCRA (50 FR 614, January 4, 1985).

In accordance with 40 C.F.R. 261.2(f), MDAC must maintain documentation which demonstrates that there is a known market or disposition for the waste jet fuel. Additionally, MDAC should ensure that the waste jet fuel is not accumulated on-site for over one year without 75 percent being recycled or transferred to the recycling facility (40 C.F.R. 262.2(d)). Should MDAC fail to recycle or transfer to the recycling facility 75 percent of the waste jet fuel accumulated in one year, the waste jet fuel would be accumulated speculatively, considered a solid waste and subject to the requirements of Subtitle C of RCRA (40 C.F.R. 261.2(d)(4)).

WSTM/RCRA/RCOM:HANCOCK:js:3/28/89

RCOM

HANCOCK

RCOM

DOYLE

MDAC

RCRA

MORBY

*[Signature]*  
3/28/89

*[Signature]*  
3/28/89

*[Signature]*  
3/28/89

*[Signature]*



R00144296  
RCRA RECORDS CENTER

Should you have any questions concerning this matter, please contact Alan K. Hancock, of my staff, at (913) 236-2891.

Sincerely yours,

Robert L. Morby  
Chief, RCRA Branch

Enclosure

cc: Mr. Joe Haake, McDonnell Douglas

bcc: Rivas Rcom



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
726 MINNESOTA AVENUE  
KANSAS CITY, KANSAS 66101

MAR 29 1989

Mr. Nicholas A. Di Pasquale  
Director, Waste Management Program  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, Missouri 65102

Dear Mr. Di Pasquale:

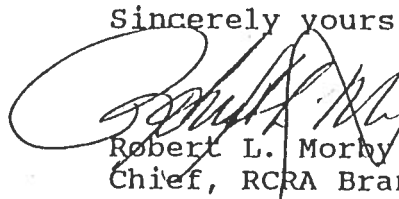
The following determination is provided in response to your March 16, 1989 request for assistance concerning the Resource Conservation and Recovery Act (RCRA) regulatory requirements for waste jet fuel from McDonnell Douglas Aircraft Company in St. Louis, Missouri (MDAC).

As described by Mr. Haakes's January 12, 1989 letter (copy attached), waste jet fuel generated during fueling and defueling operations at MDAC would not be subject to the requirements of RCRA when recycled. Spent materials no longer fit for use, which are recycled by being used as an ingredient or raw material, are not solid wastes as defined at 40 C.F.R. 261.2 and are therefore exempt from regulation as hazardous wastes under Subtitle C of RCRA (50 FR 614, January 4, 1985).

In accordance with 40 C.F.R. 261.2(f), MDAC must maintain documentation which demonstrates that there is a known market or disposition for the waste jet fuel. Additionally, MDAC should ensure that the waste jet fuel is not accumulated on-site for over one year without 75 percent being recycled or transferred to the recycling facility (40 C.F.R. 262.2(d)). Should MDAC fail to recycle or transfer to the recycling facility 75 percent of the waste jet fuel accumulated in one year, the waste jet fuel would be accumulated speculatively, considered a solid waste and subject to the requirements of Subtitle C of RCRA (40 C.F.R. 261.2(d)(4)).

Should you have any questions concerning this matter, please contact Alan K. Hancock, of my staff, at (913) 236-2891.

Sincerely yours,



Robert L. Morby  
Chief, RCRA Branch

Enclosure

cc: Mr. Joe Haake, McDonnell Douglas

**MCDONNELL DOUGLAS**

McDonnell Aircraft Company

2/3 Hazardous Waste

12 January 1989

Mr. Kenneth Joe Davis, Chief  
Data Management Unit  
Waste Management Program  
Department of Natural Resources  
P.O. Box 176  
Jefferson City, Missouri 65102

Dear Mr. Davis:

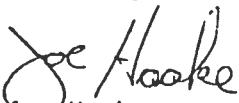
Waste jet fuel is generated at McDonnell Aircraft Company-St. Louis from aircraft fueling and defueling operations. Military specifications for purity of fuel are very stringent, so that minor contamination can cause the material to be scrapped.

Currently, the jet fuel is managed as a hazardous waste and sold to a hazardous waste fuels blender. We are planning to sell the jet fuel as a raw material feedstock to a refining company. The refining company will introduce the jet fuel into a crude oil pipe line. When the crude oil and jet fuel mixture enters the refinery, it will be processed into on-specification jet fuel.

Since the jet fuel will be recycled by being used as an ingredient in an industrial process to make jet fuel, without being reclaimed, it will not be a solid waste in accordance with 40 CFR 261.2. Therefore, we will no longer manage the material as hazardous waste.

Please advise if our interpretation of the regulations and proposed management of the jet fuel is incorrect.

Sincerely,



Joe Haake  
Hazardous Waste Coordinator  
Environmental Compliance  
Dept. 441C, Bldg. 80, Mail Code 0801800  
314-895-5240

JH:dsq

EC: St. Louis Regional Office

